

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARIAM AKMAL dba AEGIS IT  
SOLUTIONS, INC.,

Plaintiff,

v.

CINGULAR WIRELESS, INC., et al.,

Defendants.

CASE NO. C06-748JLR

ORDER

This matter comes before the court upon Defendant Gil Ramirez's motion to dismiss all claims against him (Dkt. # 11). Plaintiff has not opposed the motion.

The court's review of Plaintiff's complaint reveals that it states no claim against Mr. Ramirez. Indeed, the complaint makes no mention of Mr. Ramirez other than to include his name in the list of Defendants in the complaint's caption. The complaint therefore fails to state any claim against Mr. Ramirez.

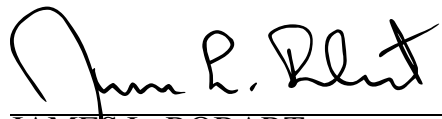
The court also notes that Mr. Ramirez's wife is named as a Jane Doe Defendant. The complaint states no claim against her for the same reason it states no claim against Mr. Ramirez.

For these reasons, the court dismisses Mr. Ramirez and Mrs. Ramirez from this action. Although Mr. Ramirez requests that the court dismiss claims against him with

1 prejudice, the court declines to do so at this time. The court is without sufficient factual  
2 background to determine authoritatively whether Plaintiff can state a claim against Mr.  
3 Ramirez. The court notes, however, that if Plaintiff seeks to amend her complaint to  
4 assert claims against Mr. Ramirez, the court would require her, at a minimum, to explain  
5 her dilatory conduct in initially naming Mr. Ramirez as a Defendant despite failing to  
6 make any allegations against him, and in filing no opposition to the instant motion.

7 For these reasons, the court GRANTS Mr. Ramirez's motion to dismiss (Dkt.  
8 # 11), and directs the clerk to dismiss all claims against Mr. Ramirez and Ms. Ramirez  
9 without prejudice.

10 Dated this 17th day of August, 2006.

11  
12  
13   
14 \_\_\_\_\_  
15 JAMES L. ROBART  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27